

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1731-AIR-E TCEQ ID: RN100224674 CASE NO.: 34851**  
**RESPONDENT NAME: Oxy Vinyls, LP**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> OXY VINYLs LA PORTE PLANT, 2400 Miller Cut Off Road, La Porte, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical plant</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 31, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p style="margin-left: 20px;"><b>TCEQ Attorney/SEP Coordinator:</b> None</p> <p style="margin-left: 20px;"><b>TCEQ Enforcement Coordinator:</b> Mr. Aaron Houston, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8784; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171</p> <p style="margin-left: 20px;"><b>Respondent:</b> Mr. Ted Brenneman, Principal Environmental Engineer, Oxy Vinyls, LP, 2400 Miller Cut Off Road, La Porte Texas 77571</p> <p style="margin-left: 20px;">Mr. Scott A. King, General Counsel, Vice President, and Secretary, Oxy Vinyls, LP, 2400 Miller Cut Off Road, La Porte Texas 77571</p> <p style="margin-left: 20px;"><b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 30, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> October 12, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failed to prevent unauthorized emissions of 56 pounds of vinyl chloride on July 13, 2007, for approximately one minute. The emissions event occurred due to improper calibration of the minimum stop value which caused an overpressure situation. Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [Air Permit 3855B and PSD-TX-876, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$3,275</p> <p><b>Total Deferred:</b> \$655  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$2,620</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. The minimum stop value for a valve on the Alumina Bed (FF-2207) was recalibrated on July 13, 2007; and</p> <p>b. An evaluation of a similar unit was completed by July 31, 2007, in order to prevent a parallel incident.</p>

Additional ID No(s): HG0193B



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

<b>DATES</b>	Assigned	22-Oct-2007	Screening	23-Oct-2007	EPA Due	18-Jul-2008
	PCW	5-Nov-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Oxy Vinyls, LP
Reg. Ent. Ref. No.	RN100224674
Facility/Site Region	12-Houston
Major/Minor Source	Major

<b>CASE INFORMATION</b>				
Enf./Case ID No.	34851	No. of Violations	1	
Docket No.	2007-1731-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Aaron Houston	
Multi-Media		EC's Team	Enforcement Team 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$2,500

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **Subtotals 2, 3, & 7** \$1,400

56% Enhancement

Notes

Penalty enhancement due to: Three (3) NOVs for the same or similar violations, four (4) NOVs for unrelated violations including one (1) self-reported effluent violation, and two (2) 1660 Agreed Orders with denial of liability. Penalty reduction due to seven (7) letters of an intended audit.

**Culpability**

No

0% Enhancement

**Subtotal 4** \$0

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply**

25% Reduction

**Subtotal 5** \$625

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent completed corrective actions by July 31, 2007.

0% Enhancement\*

**Subtotal 6** \$0

\*Capped at the Total EB \$ Amount

Total EB Amounts

\$5

Approx. Cost of Compliance

\$2,000

**SUM OF SUBTOTALS 1-7**

**Final Subtotal** \$3,275

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

0%

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$3,275

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty** \$3,275

**DEFERRAL**

20%

Reduction

**Adjustment** -\$655

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

**\$2,620**

Screening Date 23-Oct-2007

Docket No. 2007-1731-AIR-E

PCW

Respondent Oxy Vinyls, LP

Policy Revision 2 (September 2002)

Case ID No. 34851

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN100224674

Media [Statute] Air

Enf. Coordinator Aaron Houston

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	7	-7%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 56%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Penalty enhancement due to: Three (3) NOVs for the same or similar violations, four (4) NOVs for unrelated violations including one (1) self-reported effluent violation, and two (2) 1660 Agreed Orders with denial of liability. Penalty reduction due to seven (7) letters of an intended audit.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 56%

<b>Screening Date</b> 23-Oct-2007		<b>Docket No.</b> 2007-1731-AIR-E		<b>PCW</b>	
<b>Respondent</b> Oxy Vinyls, LP		<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 34851		<small>PCW Revision September 19, 2007</small>			
<b>Reg. Ent. Reference No.</b> RN100224674					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Aaron Houston					
<b>Violation Number</b>		<div style="border: 1px solid black; padding: 2px;">1</div>			
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 2px;">Air Permit 3855B and PSD-TX-876, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health &amp; Safety Code § 382.085(b)</div>			
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 2px;">Failed to prevent unauthorized emissions of 56 pounds of vinyl chloride on July 13, 2007, for approximately one minute. The emissions event occurred due to improper calibration of the minimum stop value which caused an overpressure situation. Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.</div>			
<b>Base Penalty</b>					<div style="border: 1px solid black; padding: 2px;">\$10,000</div>

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	x	
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">25%</div>

**>> Programmatic Matrix**

	<b>Falsification</b>				
	Major	Moderate	Minor		
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
					<b>Percent</b> <div style="border: 1px solid black; padding: 2px;">0%</div>

**Matrix Notes**

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

**Adjustment**

\$7,500

\$2,500

**Violation Events**

Number of Violation Events	<div style="border: 1px solid black; padding: 2px;">1</div>		Number of violation days	<div style="border: 1px solid black; padding: 2px;">1</div>
----------------------------	---	--	--------------------------	---

<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
	quarterly	x
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>

**Violation Base Penalty**

\$2,500

One quarterly event is recommended.

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<div style="border: 1px solid black; padding: 2px;">\$5</div>	<b>Violation Final Penalty Total</b>	<div style="border: 1px solid black; padding: 2px;">\$3,275</div>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<div style="border: 1px solid black; padding: 2px;">\$3,275</div>	

**Economic Benefit Worksheet**

**Respondent** Oxy Vinyls, LP  
**Case ID No.** 34851  
**Reg. Ent. Reference No.** RN100224674  
**Media Air**  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	13-Jul-2007	31-Jul-2007	0.0	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost of recalibrating the minimum stop value. Date required is the date of the emissions event. Final date is the date corrective actions were completed.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$5

## Compliance History

Customer/Respondent/Owner-Operator:	CN600129126	Oxy Vinyls, LP	Classification: AVERAGE	Rating: 1.97																																																														
Regulated Entity:	RN100224674	OXY VINYLs LA PORTE PLANT	Classification: AVERAGE	Site Rating: 4.13																																																														
ID Number(s):	<table border="0"> <tr> <td>AIR OPERATING PERMITS</td><td>ACCOUNT NUMBER</td><td>HG0193B</td></tr> <tr> <td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1324</td></tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>EPA ID</td><td>TXD070133319</td></tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>31077</td></tr> <tr> <td>WASTEWATER</td><td>PERMIT</td><td>WQ0002097000</td></tr> <tr> <td>WASTEWATER</td><td>PERMIT</td><td>TPDES0070416</td></tr> <tr> <td>WASTEWATER</td><td>PERMIT</td><td>TX0070416</td></tr> <tr> <td>PETROLEUM STORAGE TANK REGISTRATION</td><td>REGISTRATION</td><td>12124</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>3855B</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>6913B</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>31148</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>40916</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>41432</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>HG0193B</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>52249</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>4820100320</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>EPA ID</td><td>PSDTX876</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>82629</td></tr> <tr> <td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>83129</td></tr> <tr> <td>PUBLIC WATER SYSTEM/SUPPLY</td><td>REGISTRATION</td><td>1011153</td></tr> <tr> <td>IHW CORRECTIVE ACTION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>31077</td></tr> </table>			AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0193B	AIR OPERATING PERMITS	PERMIT	1324	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD070133319	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31077	WASTEWATER	PERMIT	WQ0002097000	WASTEWATER	PERMIT	TPDES0070416	WASTEWATER	PERMIT	TX0070416	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	12124	AIR NEW SOURCE PERMITS	PERMIT	3855B	AIR NEW SOURCE PERMITS	PERMIT	6913B	AIR NEW SOURCE PERMITS	PERMIT	31148	AIR NEW SOURCE PERMITS	PERMIT	40916	AIR NEW SOURCE PERMITS	PERMIT	41432	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0193B	AIR NEW SOURCE PERMITS	PERMIT	52249	AIR NEW SOURCE PERMITS	AFS NUM	4820100320	AIR NEW SOURCE PERMITS	EPA ID	PSDTX876	AIR NEW SOURCE PERMITS	REGISTRATION	82629	AIR NEW SOURCE PERMITS	REGISTRATION	83129	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011153	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	31077
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0193B																																																																
AIR OPERATING PERMITS	PERMIT	1324																																																																
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD070133319																																																																
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31077																																																																
WASTEWATER	PERMIT	WQ0002097000																																																																
WASTEWATER	PERMIT	TPDES0070416																																																																
WASTEWATER	PERMIT	TX0070416																																																																
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	12124																																																																
AIR NEW SOURCE PERMITS	PERMIT	3855B																																																																
AIR NEW SOURCE PERMITS	PERMIT	6913B																																																																
AIR NEW SOURCE PERMITS	PERMIT	31148																																																																
AIR NEW SOURCE PERMITS	PERMIT	40916																																																																
AIR NEW SOURCE PERMITS	PERMIT	41432																																																																
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0193B																																																																
AIR NEW SOURCE PERMITS	PERMIT	52249																																																																
AIR NEW SOURCE PERMITS	AFS NUM	4820100320																																																																
AIR NEW SOURCE PERMITS	EPA ID	PSDTX876																																																																
AIR NEW SOURCE PERMITS	REGISTRATION	82629																																																																
AIR NEW SOURCE PERMITS	REGISTRATION	83129																																																																
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011153																																																																
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	31077																																																																
Location:	2400 MILLER CUT OFF RD, LA PORTE, TX, 77571		Rating Date: September 01 07 Repeat Violator: NO																																																															
TCEQ Region:	REGION 12 - HOUSTON																																																																	
Date Compliance History Prepared:	October 22, 2007																																																																	
Agency Decision Requiring Compliance History:	Enforcement																																																																	
Compliance Period:	October 22, 2002 to October 22, 2007																																																																	
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History																																																																		
Name:	Aaron T. Houston		Phone:	409-899-8784																																																														

### Site Compliance History Components

- |  |                |
|--|----------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes            |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | Yes            |
| 3. If Yes, who is the current owner?   | Oxy Vinyls, LP |
| 4. If Yes, who was/were the prior owner(s)?  | N/A            |
| 5. When did the change(s) in ownership occur?  | N/A            |

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/13/2004

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov: SC 4.C. PERMIT

Description: Failure to submit 40CFR Subpart H semi annual reports.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 43F PERMIT

Description: Failure to maintain fugitive monitoring records for 2,302 accessible valves in the Crack-Pu Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 63, Subpart H 63.181(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4.C. PERMIT

Description: Failure to maintain annual fugitive monitoring records for connectors in gas/vapor or light liquid service.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(i)(3)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4.C. PERMIT

Description: Failure to provide a written plan for the monitoring of Difficult to Monitor components.

Effective Date: 05/11/2007

ADMINORDER 2006-0573-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 3855B and PSD-TX-876, SC 43E PERMIT

O-01324, SC 1A OP

O-01324, SC 21 OP

Description: Failed to seal open-ended lines in volatile organic compound service.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 3855B and PSD-TX-876, SC 32 PERMIT

O-01324, SC 21 OP

Description: Failed to maintain the pH level above the required minimum permit limit of 8 for Scrubbers IND101A and IND101B.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 3855B and PSD-TX-876, SC 10D PERMIT

O-01324, SC 21 OP

Description: Failed to maintain the firing rate at the permitted limit of 72 MM BTU per hour on August 24, 2005 and September 13, 2005 for furnace IND108.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.203(a)(6)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to limit the operation of emergency diesel pump engine (E1:Pump A) for operational, testing, or maintenance purposes within the allowable 52 hours per year based on a rolling 12-month average.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01324, SC 3A(iv)(1) OP

Description: Failed to monitor visible emissions for the 1st quarter (January 10, 2005 through March 31, 2005) for the A& B catalytic oxidizer catalyst traps and 1 diesel engine (E5).

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)



1	11/20/2002	(247255)
2	11/26/2002	(196715)
3	12/17/2002	(15398)
4	12/18/2002	(196719)
5	01/21/2003	(196723)
6	02/24/2003	(196682)
7	03/20/2003	(26019)
8	04/01/2003	(196685)
9	04/02/2003	(28984)
10	04/14/2003	(196690)
11	05/23/2003	(196694)
12	06/23/2003	(196698)
13	07/22/2003	(196702)
14	08/22/2003	(311755)
15	09/22/2003	(311757)
16	10/23/2003	(311759)
17	11/24/2003	(311760)
18	12/29/2003	(311761)
19	01/26/2004	(311762)
20	02/23/2004	(311744)
21	03/11/2004	(260325)
22	03/22/2004	(311747)
23	03/30/2004	(332991)
24	04/23/2004	(311748)
25	05/06/2004	(265013)
26	05/24/2004	(311750)
27	05/27/2004	(273904)
28	06/04/2004	(258033)
29	06/22/2004	(311752)
30	07/01/2004	(274250)
31	07/20/2004	(358707)
32	08/24/2004	(358708)
33	09/18/2004	(358713)
34	09/23/2004	(358709)
35	10/22/2004	(358710)
36	11/09/2004	(339927)
37	11/23/2004	(358711)
38	12/09/2004	(339090)
39	12/20/2004	(358712)
40	02/23/2005	(385515)
41	02/24/2005	(348525)
42	03/04/2005	(371341)
43	03/04/2005	(371799)
44	03/22/2005	(385516)
45	04/13/2005	(377233)
46	04/18/2005	(423530)
47	05/23/2005	(423531)
48	06/20/2005	(423532)
49	07/08/2005	(395131)
50	07/08/2005	(394840)
51	07/15/2005	(444346)
52	08/22/2005	(444347)
53	08/23/2005	(404921)
54	08/23/2005	(401982)
55	08/23/2005	(404446)
56	08/25/2005	(406044)
57	08/31/2005	(418946)
58	08/31/2005	(418950)
59	08/31/2005	(418878)
60	09/20/2005	(444348)
61	09/28/2005	(418665)
62	11/28/2005	(474875)
63	12/20/2005	(474876)
64	01/23/2006	(474877)
65	02/22/2006	(455182)
66	02/22/2006	(474873)
67	02/25/2006	(455900)
68	02/25/2006	(456977)

69	02/27/2006	(456938)
70	02/28/2006	(457156)
71	02/28/2006	(457174)
72	02/28/2006	(457147)
73	03/20/2006	(474874)
74	04/20/2006	(460418)
75	04/24/2006	(502550)
76	05/22/2006	(502551)
77	05/26/2006	(467563)
78	05/26/2006	(467526)
79	06/23/2006	(502552)
80	07/21/2006	(524869)
81	08/18/2006	(524870)
82	09/06/2006	(487733)
83	09/19/2006	(524871)
84	09/28/2006	(512141)
85	10/05/2006	(487698)
86	10/20/2006	(549775)
87	11/01/2006	(512136)
88	11/03/2006	(515153)
89	11/27/2006	(549776)
90	12/29/2006	(533496)
91	12/29/2006	(533497)
92	01/08/2007	(549777)
93	01/23/2007	(549778)
94	02/28/2007	(583976)
95	03/22/2007	(583977)
96	03/22/2007	(583982)
97	04/23/2007	(583978)
98	05/09/2007	(559347)
99	05/21/2007	(583979)
100	06/18/2007	(583980)
101	07/20/2007	(583981)
102	07/20/2007	(583983)
103	08/31/2007	(573381)
104	10/04/2007	(596408)
105	10/16/2007	(597441)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	11/20/2002	(247255)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date:	04/30/2003	(196694)		
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	03/30/2004	(332991)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date:	06/07/2004	(258033)		
Self Report?	NO		Classification:	Moderate

Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
Rqmt Prov:	PA 3855B, SC#28	
Description:	Failure to maintain hourly average pH of scrubbing solution above 8.0.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)	
Rqmt Prov:	PA 3855B, General Condition No. 7	
Description:	Failure to maintain data sufficient to demonstrate compliance with the permit.	
Date:	09/06/2006 (487733)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	PERMIT Permit No. 3855B and PSD-TX-876	
Description:	Failure to prevent an electrical short that resulted from a temporary repair with electrical tape to a junction box.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)	
Description:	Failure to list the permit number for the facility involved in the emissions event.	
Date:	09/28/2006 (512141)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	PERMIT Permit No. 3855B and PSD-TX-876	
Description:	Failure to conduct maintenance on air intakes that would have prevented water infiltration causing this emissions event.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]	
Description:	Failure to submit the initial incident within the 24 hour time period.	
Date:	11/01/2006 (512136)	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov:	PERMIT Permit No. 3855B and PSD-TX-876, MAERT	
Description:	Failure to conduct regular maintenance on a valve that has been in service for 20 years.	

F. Environmental audits.

Notice of Intent Date:	01/09/2003	(33136)
No DOV Associated		
Notice of Intent Date:	12/01/2003	(263135)
No DOV Associated		
Notice of Intent Date:	02/25/2004	(265138)
No DOV Associated		
Notice of Intent Date:	04/21/2004	(274330)
No DOV Associated		
Notice of Intent Date:	04/25/2005	(438736)
No DOV Associated		
Notice of Intent Date:	04/26/2006	(465306)
No DOV Associated		
Notice of Intent Date:	01/04/2007	(538766)
No DOV Associated		

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
OXY VINYLs, LP  
RN100224674**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1731-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Oxy Vinyls, LP ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical plant at 2400 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in the TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 17, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Two Hundred Seventy-Five Dollars (\$3,275) is assessed by the Commission in settlement of the violation alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Six Hundred Twenty Dollars (\$2,620) of the administrative penalty and Six Hundred Fifty-Five Dollars (\$655) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, The Executive Director may require the Respondent to pay all or part of the deferred penalty.



7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. The minimum stop value for a valve on the Alumina Bed (FF-2207) was recalibrated on July 13, 2007, and
  - b. An evaluation of a similar unit was completed by July 31, 2007, in order to prevent a parallel incident.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions of 56 pounds of vinyl chloride on July 13, 2007, for approximately one minute, in violation of Air Permit 3855B and PSD-TX-876, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event occurred due to improper calibration of the minimum stop value which caused an overpressure situation. Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

## **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").





#### IV. ORDERING PROVISIONS

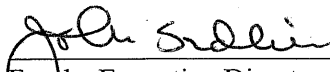
1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6. above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Oxy Vinyls, LP, Docket No. 2007-1731-AIR-E " to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director


3/4/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

12-21-07  
Date

Scott A. King  
General Counsel, Vice President & Secretary  
Name (Printed or typed)  
Authorized Representative of  
Oxy Vinyls, LP

\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

1900

1900

1900

1900

1900

1900

1900

1900

1900